

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA
3

4 Lawrence Valentine,

5 Petitioner

6 v.

7 State of Nevada, et al.,

8 Respondents
9

2:17-cv-02032-JAD-PAL

Order

[ECF Nos. 11, 12, 15, 16, 17]

10 After I denied pro se petitioner Lawrence Valentine's motions for (1) a
11 temporary restraining order, (2) preliminary injunction, and (3) judgment,¹ he filed
12 a declaration of entry of default,² a motion for reconsideration,³ an *ex parte* request
13 for immediate action,⁴ and a motion for default judgment.⁵ Valentine makes
14 overlapping requests in these motions, so I consider them together.

15 First, Valentine asks for default judgment. Default judgment does not exist
16 in federal habeas corpus actions.⁶ Beyond that, Valentine has not yet filed a
17 petition for a writ of habeas corpus, the court has not yet ordered a response, and
18 respondents have not failed to do anything.

19 Second, Valentine repeats his claims about not receiving eye surgery in ECF
20 Nos. 11 and 12, but then he drops those claims in ECF Nos. 15 and 16. As I told
21

22 ¹ ECF No. 8.

23 ² ECF No. 11.

24 ³ ECF No. 12.

25 ⁴ ECF No. 15.

26 ⁵ ECF No. 16.

27 ⁶ *Gordon v. Duran*, 895 F.2d 612 (9th Cir. 1990).
28

1 Valentine in my October 4, 2017, order, he needs to commence a separate civil-
2 rights action under 42 U.S.C. § 1983 if he wishes to pursue those conditions-of-
3 confinement or deliberate-indifference-to-serious-medical-needs claims. I still do
4 not make any statement about whether Valentine can satisfy the procedural
5 requirements for such an action or injunctive relief.

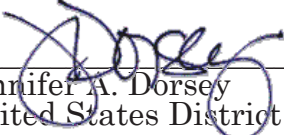
6 Third, Valentine argues once again that his custody is unconstitutional. I
7 already explained to Valentine that he must file a petition for a writ of habeas
8 corpus if he wishes to challenge the legality or duration of his confinement.⁷
9 Valentine still has not filed a petition for a writ of habeas corpus, so I do not
10 entertain his claims. I do, however, grant Valentine's motion for an extension of
11 time so that he may file a proper petition for a writ of habeas corpus.

12 Accordingly, IT IS HEREBY ORDERED that Valentine's declaration of entry
13 of default [ECF No. 11], motion for reconsideration [ECF No. 12], *ex parte* request
14 for immediate action [ECF No. 15], and motion for default judgment [ECF No. 16]
15 are **DENIED**.

16 IT IS FURTHER ORDERED that Valentine's motion for extension of time
17 [ECF No. 17] is **GRANTED**. Valentine has until December 4, 2017, to file a petition
18 for a writ of habeas corpus under 28 U.S.C. § 2254, or this case will be dismissed
19 and closed.

20 The **Clerk of the Court** is directed to **SEND to Valentine a blank § 2254**
21 **petition form and instructions to complete it.**

22 DATED: November 1, 2017.

23 
24 Jennifer A. Dorsey
25 United States District Judge
26
27

28 ⁷ ECF No. 8.